

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NORTH AMERICAN ELITE INSURANCE
COMPANY AS SUBROGEE OF PENN
FOUNDATION, INC.**

Plaintiff,

v.

**VICTORY FIRE PROTECTION, INC. ,
Defendant/Third-Party
Plaintiff**

v.

PENN BUILDERS, INC.

**Third-Party
Defendant.**

CIVIL ACTION

NO. 17-3554

ORDER

AND NOW, this 28th day of January, 2019, upon consideration of Third-Party Defendant Penn Builders' Motion for Summary Judgment and briefing in support thereof (ECF Nos. 97 & 103), Plaintiff NAEIC's response thereto (ECF No. 101), and Defendant/Third-Party Plaintiff Victory's response thereto (ECF No. 102), it is hereby **ORDERED** that Third-Party Defendant's Motion is **DENIED**.

IT IS FURTHER ORDERED, upon consideration of Defendant/Third-Party Plaintiff Victory's Motion for Summary Judgment (ECF No. 98) and Plaintiff NAEIC's response thereto (ECF No. 100), Defendant/Third-Party Plaintiff's Motion is **DENIED**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.

